

REMARKS

Claims 1-28 were previously pending in this application. By this amendment, claims 1-4, 15-18 and 20-22 have been amended. New claims 29-32 have been added. As a result claims 1-32 are pending for examination with claims 1 and 15 being independent claims. No new matter has been added.

Objections to Specification

The first paragraph of the Office Action objected to claim 22 for informalities in the claim language. Applicant has amended claim 22 as suggested and therefore this objection is now moot. Accordingly, withdrawal of this objection is respectfully requested.

Rejection Under 35 U.S.C. §102

The Office Action rejects claims 1-4, 8-14, 15-18, and 22-28 under 35 U.S.C. §102(b) as being anticipated by Fischer (U.S. Patent No. 5,852,651). In particular, regarding independent claims 1 and 15, the Office Action asserts that Fischer discloses the communication system as claimed in independent claim 1 and a method as claimed in independent claim 15. Applicants have amended independent claims 1 and 15 and traverse this rejection.

Amended claims 1 and 15 clarify that the first and second beams of unguided radiation transmitted between the base-station transceiver system and the remote antenna assembly comprise unguided optical beams of radiation. Fischer et al. does not disclose transmitting unguided optical radiation between a base-station and a remote antenna assembly. In addition, Fischer et al. does not disclose or suggest modifying the disclosure of Fischer et al. to transmit an unguided optical signal.

In contrast, Fischer et al. discloses transmitting an optical signal between a base station and a remote unit by an optical fiber. In particular, Fischer et al. discloses a method and apparatus for sectorizing coverage of a cellular communications area. The system includes a plurality of microcells 100, with each microcell including a remote antenna unit 102. Each microcell antenna unit covers a particular sector and is connected to a sectorized base-station 106 unit by an optical fiber 104. The base-station units are interfaced to a MTSO 110 over T1 lines 112. With this arrangement, digitized streams representative of telephone signals from the

MTSO are generated that correspond to the microcell antenna units, are multiplexed together, and are transmitted as a guided optical signal to the remote antenna units by the fiber 104. The remote antenna units de-multiplex the digitized streams into separate digitized streams that correspond to the microcell antenna units, and the separate digitized streams are converted to RF signals. Similarly, signals traveling from the remote antennas units to the MTSO comprise separate digitized streams that are generated for each microcell antenna unit, which are representative of RF signals received at the microcell antenna units. These separate digitized streams are multiplexed at the remote antenna unit and transmitted to the centralized base-station as a guided optical signal by the optical fiber 104. At the sectorized base-station, the multiplexed digitized streams are demultiplexed into the separate digitized streams corresponding to the microcell antenna units and are converted to RF signals for providing to the MTSO.

Applicant has appreciated that optical fiber lines between the base-station transceiver system and a remote antenna, pose implementation problems, and can be replaced with the free space optical signals, thus providing a more flexible, easier to install and more robust system. The Fischer et al. reference provides no such teaching or suggestion. Further, Fischer et al. does not disclose or suggest that it would have been obvious to modify the disclosure of Fischer to use an unguided optical signal. Since the Examiner cannot use the Applicant's disclosure in hindsight as motivation to modify the disclosure, absent any teaching or suggestion to modify the Fischer et al. reference, which does not exist, any such suggestion would be improper. Accordingly, Fischer does not anticipate independent claims 1 and 15 and does not render obvious independent claims 1 and 15. Withdrawal of this rejection is respectfully requested.

Regarding dependent claims 2-14 and 16-28, the Office Action asserts that these claims are either anticipated by or rendered obvious in view of Fischer et al. However, each of these claims depends from independent claims 1 and 15 and therefore patentably distinguishes over the Fischer et al. reference for at least the same reasons as discussed above with respect to independent claims 1 and 15. Applicant has not proceeded to argue the merit of each dependent claim and its distinction over the Fischer et al. reference, but reserves the right to do so. Accordingly, withdrawal of the rejections of these dependent claims is also respectfully requested.

Applicant has also added new dependent claims 29-32 which further distinguish over the Fischer et al. reference. In particular, Fischer et al. does not disclose or suggest that the

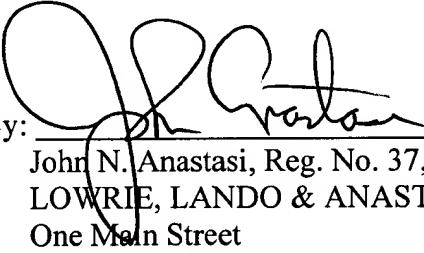
communication control circuitry for controlling transitions between the mobile transceiver and the antenna can be solely disposed in the base-station transceiver as claimed in dependent claims 29 and 31. Further, Fischer et al. does not disclose that there is one base-station transceiver per remote antenna unit as claimed in dependent claims 30 and 32. Accordingly, new claims 29-32 also patentably distinguish over the Fischer et al. reference and Applicants submit that these claims are in condition for allowance.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,
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